

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ASHBY HENDERSON, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

**BNY MELLON, NATIONAL
ASSOCIATION,**

Defendant.

Case No. 1:15-cv-10599-PBS

JOINT MOTION TO STAY ACTION PENDING SETTLEMENT

Plaintiffs Ashby Henderson and Thomas Hershenson (“Plaintiffs”), and Defendant BNY Mellon, N.A. (“BNY Mellon”) (collectively, the “parties”), by and through their undersigned counsel, hereby move to stay the above-captioned case.

1. As good cause, the parties state that on November 17, 2017, the parties participated in a full day of mediation before the Hon. Diane Welsh (ret.). This was the parties’ second full-day session with Judge Welsh.
2. The parties have reached a class settlement in principle.
3. Plaintiffs’ motion for class certification and BNY Mellon’s motion for summary judgment are fully briefed and pending before the Court. Plaintiffs’ motion for summary judgment is partially briefed, with BNY Mellon’s surreply due on November 27, 2017.
4. The parties request that the Court stay this action including all pending motions and deadlines, for forty-five days, so that the parties may document the settlement and submit it to the Court for preliminary approval.

WHEREFORE, Plaintiffs Ashby Henderson and Thomas Hershenson and Defendant BNY Mellon, N.A. hereby request that the Court stay this action for forty-five days to allow the parties to document the settlement and file a motion for preliminary approval.

Dated: November 21, 2017

Respectfully submitted,

/s/ Nellie E. Hestin

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CERTIFICATE OF SERVICE

I, Nellie E. Hestin, hereby certify that this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on this November 21, 2017.

/s/ Nellie E. Hestin

Nellie E. Hestin